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5 Attorneys for Plaintiff  
United States of America

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 GILDARDO PEREZ AVILEZ,  
15 Defendant.

CASE NO. 2:22-CR-00167-WBS

**STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER**

## **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 16, 2023.

2. By this stipulation, defendant now moves to continue the status conference until February 24 at 9:00 a.m., and to exclude time between October 16, 2023, and February 26, 2024, under Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) Counsel for defendant desires additional time review the discovery, meet with her client, conduct defense investigation, and otherwise prepare for trial. In addition, counsel for defendant has made specific discovery requests to the United States. Counsel will need time to review the additional discovery that will be produced responsive to this request.

1                   b)     Counsel for defendant believes that failure to grant the above-requested  
2     continuance would deny her the reasonable time necessary for effective preparation, taking into  
3     account the exercise of due diligence.

4                   c)     The government does not object to the continuance.

5                   d)     Based on the above-stated findings, the ends of justice served by continuing the  
6     case as requested outweigh the interest of the public and the defendant in a trial within the  
7     original date prescribed by the Speedy Trial Act.

8                   e)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
9     et seq., within which trial must commence, the time period of October 16, 2023 to February 26,  
10    2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
11    T4] because it results from a continuance granted by the Court at defendant's request on the basis  
12    of the Court's finding that the ends of justice served by taking such action outweigh the best  
13    interest of the public and the defendant in a speedy trial.

14       4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
15    Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
16    must commence.

17       IT IS SO STIPULATED.

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19       Dated: October 11, 2023

PHILLIP A. TALBERT  
United States Attorney

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21       \_\_\_\_\_  
22       /s/ JUSTIN L. LEE  
23       JUSTIN L. LEE  
24       Assistant United States Attorney

25       Dated: October 11, 2023

26       \_\_\_\_\_  
27       /s/ DINA SANTOS  
28       DINA SANTOS  
          Counsel for Defendant  
          GILDARDO PEREZ AVILEZ

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2                   **ORDER**  
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4                   IT IS SO FOUND AND ORDERED.  
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6                   Dated: October 13, 2023  
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9                   WILLIAM B. SHUBB  
10                  UNITED STATES DISTRICT JUDGE  
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